

Message

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**From:** Ramanauskas, Peter [ramanauskas.peter@epa.gov]  
**Sent:** 4/18/2017 6:28:55 PM  
**To:** Steketee, John [steketee.john@epa.gov]  
**Subject:** Kipp - email 1 of 3 for review

Email 1 of 3.

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**From:** Ramanauskas, Peter  
**Sent:** Friday, July 29, 2016 12:58 PM  
**To:** Gonzalez, RafaelP <Gonzalez.RafaelP@epa.gov>  
**Subject:** Re: Ignorance is Bliss?

No problem. I would think that if there is enough reason to suspect there was migration of impacted materials off site, we can push to investigate it. As you recall from the DOA demolition site we also dealt with, depending on the information available, we may only be able to recommend things. Hopefully, Ken can give you more feedback.

Thanks,  
Pete

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**From:** Gonzalez, RafaelP  
**Sent:** Friday, July 29, 2016 12:52 PM  
**To:** Ramanauskas, Peter  
**Subject:** RE: Ignorance is Bliss?

Hi Peter, yes Ken is aware and we have been on and off addressing some of these issues, I was just fishing for more input, if you have none-no problem ... thanks.

Rafael P. Gonzalez  
Public Affairs Specialist  
Land & Chemicals Division -- L-8-J  
77 West Jackson Blvd  
Chicago, Illinois 60604  
312-886-0269  
[gonzalez.rafaelp@epa.gov](mailto:gonzalez.rafaelp@epa.gov)

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**From:** Ramanauskas, Peter  
**Sent:** Friday, July 29, 2016 11:06 AM  
**To:** Gonzalez, RafaelP <[Gonzalez.RafaelP@epa.gov](mailto:Gonzalez.RafaelP@epa.gov)>  
**Subject:** Re: Ignorance is Bliss?

Hey Rafael,

Did you get Ken's thoughts on this? He's more familiar with the sampling that's been done out there. Sounds like she wants to have certain areas of potential off-site migration sampled. Ken might be able to tell you what's been done to date to investigate this concern.

I'm still out of the office today, but back in on Monday.

Pete.

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**From:** Gonzalez, RafaelP  
**Sent:** Friday, July 22, 2016 10:20 AM  
**To:** Ramanauskas, Peter  
**Subject:** FW: Ignorance is Bliss?

Hey Peter, when you have time, can you glance at Maria's issue relative PCB and tell me if she has an issue? I know this may not give you all that you need in terms of Data info, etc. but let me know what else you may need. Thanks.

Rafael P. Gonzalez  
 Public Affairs Specialist  
 Land & Chemicals Division – L-8-J  
 77 West Jackson Blvd  
 Chicago, Illinois 60604  
 312-886-0269  
[gonzalez.rafaelp@epa.gov](mailto:gonzalez.rafaelp@epa.gov)

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**From:** Maria Powell (EJ Institute) [<mailto:powell@ejinstitute.org>]  
**Sent:** Friday, July 22, 2016 10:07 AM  
**To:** Hanefeld, Linda S - DNR <[Linda.Hanefeld@wisconsin.gov](mailto:Linda.Hanefeld@wisconsin.gov)>; [michael.schmoller@wisconsin.gov](mailto:michael.schmoller@wisconsin.gov); Budzinski, John M - DNR <[John.Budzinski@wisconsin.gov](mailto:John.Budzinski@wisconsin.gov)>; Foss, Darsi J - DNR <[Darsi.Foss@wisconsin.gov](mailto:Darsi.Foss@wisconsin.gov)>  
**Cc:** Rep.Taylor - LEGIS <[Rep.Taylor@legis.wisconsin.gov](mailto:Rep.Taylor@legis.wisconsin.gov)>; Rummel, Marsha <[district6@cityofmadison.com](mailto:district6@cityofmadison.com)>; Gonzalez, RafaelP <[Gonzalez.RafaelP@epa.gov](mailto:Gonzalez.RafaelP@epa.gov)>; Zolnierczyk, Kenneth <[zolnierczyk.kenneth@epa.gov](mailto:zolnierczyk.kenneth@epa.gov)>  
**Subject:** Ignorance is Bliss?

Hello:

Thank you for written answers to SASY's questions. As I expected, most of my specific questions (see below) are not addressed.

So, again, for the record: There is a large heavily-used area along the bike path that received highly contaminated runoff from Kipp for many decades and has never been tested for PCBs, VOCs, PAHs, metals. When it rains, soils from this area clearly wash over to the Goodman compost/chicken/bee area.

So, the DNR and city **do not know** what levels of the above contaminants are in these areas (one or two PCB samples aren't enough). They **do not know** what levels of PCBs and other contaminants are in the shallow groundwater beneath the raingarden and ditch (which had PCB soils levels up to 1000s of ppm, orders of magnitude over the DNR's soil-to-groundwater RCL). They **do not know** what levels of these contaminants are now in the raingarden, which after the last remediation (2012) captured runoff from four years of remediation/construction disrupting contaminated soils all over the Kipp site.

If people using the bike path and/or Goodman are being exposed to toxic contaminants, nobody will know. If toxic contaminants are flowing into Starkweather Creek and Lake Monona--eventually getting into fish that subsistence anglers eat--nobody will know. I guess the DNR and city prefer that nobody knows.

Thanks anyway,

Maria

On 6/6/2016 2:40 PM, Maria Powell (EJ Institute) wrote: Dear DNR:

Following up on my previous emails (below)--thank you for posting the lab reports and the full raingarden closure request (with tables/maps) on the BRRTS site. It is odd that these documents weren't sent to me in response to my open records request or my followup emails. But I appreciate that they are posted for the public to access.

I have questions about the raingarden closure request:

<http://dnr.wi.gov/botw/DownloadBlobFile.do?docSeqNo=48315>. Can you please clarify:

1. As owner of the site, what are the City of Madison's roles in closure decisions and post-closure responsibilities?

2. The closure request says on pg. 7 (H.d.) that the RP should "*identify how all exposure pathways (soil, groundwater, vapor) were removed and/or adequately addressed by immediate interim and/or remedial action(s).*" The response to this on the form is: "*Soil exposure pathways were removed and addressed as described in the Maintenance Plan through excavation and the use of barriers.*" Related to this:

a. How have PCB exposure pathways been "removed and addressed" in the unfenced grassy (often muddy) public areas along eastern end of the bike path (gray areas on pg 54 of the closure request)? Only a few widely spaced PCB borings (HA-1, 2, 3, 7) have been done in this area; all had above the residential PCB RCLs.

b. Other than B34, B42, B50, and B83, none of the borings along the bike path were tested for VOCs, PAHs, or metals even though this entire area was a swale for Kipp's runoff for decades. Without this data, how do you know that all soil, groundwater, and vapor exposure pathways have been "removed and addressed"?\*

c. The last raingarden soil tests were May 2014. How do you know raingarden soils weren't recontaminated since then?\*\*\*

d. Shallow groundwater beneath the area along the bikepath/raingarden, sometimes only 5-10 feet bls, has never been tested for PCBs--why not?\*\*\*

Relatedly, the closure request document says on pg. 6 (under G): "Describe the residual soil contamination that is above the observed low water table that attains or exceeds the soil standard(s) for the groundwater pathway." In this section, only results from B34, 42, B50, and B83 are listed. PCBs are not mentioned, nor are other borings along the bike path (presumably because only PCBs were measured in those). Yet PCBs over the DNR's groundwater pathway RCL remain in spots throughout the entire length of the bike path/raingarden. It seems the DNR's PCB groundwater RCL is not being considered in this closure request. Please clarify.

Thanks in advance for addressing these questions.

Maria Powell

\*Vapor probe 6 in the ditch along the bike path has had very high levels of VOCs in past tests, which could come from a soil and/or shallow groundwater source.

\*\*Since May 2014, highly PCB and VOC contaminated soils under Kipp's parking lot have been significantly

disrupted several times (e.g., to build the GETs building, curb along the east side of the site, resurfacing parking lots, etc). During rainstorms, based on numerous observations and photographs of community members, runoff of these disrupted soils flowed into the raingarden and across the bike path to the Goodman side. During and after the 2015-2016 PCB excavations in the ditch, water and soils ran down the ditch and into the raingarden.

\*\*\*The entire area of this closure request is a swale that has captured contaminated runoff from Kipp for many decades. The raingarden is designed to infiltrate contamination downward. The maps in the closure request show that soils in nearly the entire area exceed the soil-to-groundwater RCLs. Scientific studies show that PCBs, especially the less chlorinated congeners, can volatilize off soils and water in some conditions. PCBs can move attached to sediments, and can move more readily downward when combined with other contaminants like solvents. MW1, the only well near this area, was only tested once in 2013 for 3 PCB aroclors, and PCBs were never tested in 12S (as far as we can tell).

On 6/29/2016 1:19 PM, Maria Powell (EJ Institute) wrote:

Linda:

Thanks for the acknowledgement of my questions and explanation of why you didn't answer earlier. I appreciate it.

I realize that you all are extremely busy at the DNR and are saving time/energy by lumping my questions in with SASYNA's questions and providing general answers to the public some time in the future. I understand why you would want to do this.

However, to be clear, for the record:

1. I am not a member of the SASY Neighborhood Association (SASYNA) or the SASY Kipp Committee. Although I (with other MEJO members) sometimes collaborate with SASY members on Kipp issues, and we regularly discuss them, SASYNA does not represent me (or MEJO), nor do we represent them.
2. The questions I wrote to you (below) are my questions for DNR and they are specific to the raingarden/bike path closure request. I wanted written answers from DNR to these specific questions, not SASY's, which were written many weeks before I received the full closure request document. I did not contribute to the May 18 SASY questions, though some of the questions were taken from past MEJO posts or old MEJO emails to public officials. Several of my specific questions below are not included in the SASY's May 18 questions. I may or may not make it to the July 26 meeting.
3. SASYNA is a great neighborhood association and the group does valuable work for the community. However, many people in the neighborhood, including several who live next to Kipp on Waubesa and Marquette Street near the bike path, are not engaged with SASY, are not on their listserve and therefore do not receive information going around on the list or notices of meetings. There is no requirement that they join SASYNA and most do not want to. Either way, the point is--many in the neighborhood are not represented by SASYNA or the Kipp committee.

Their questions are not included in the May 18 document.

**Perhaps most importantly...**

4. As far as we can tell, parents of low income and minority children who use the Goodman Community Center daily (many of whom come from Darbo Worthington and other challenged low income housing areas in the city) are not engaged in SASY Neighborhood Association meetings regarding Kipp in any way. Therefore, they receive no information on existing contamination, excavations, etc., along the bike path next to the community center, splash pad, etc., where their children play and walk---nor have they been engaged in any way in community or government discussions/decisions about this work during the last several years.

In the past, a core aspect of MEJO's work was trying to find ways to engage the people most vulnerable to toxic pollution and collectively build capacity so they (and we) could more meaningfully participate in decisions about this pollution. We did this challenging work for years, but we no longer have resources, capacity, or energy to do this kind of work. Also, in the case of Goodman, DNR and all other agencies have told us repeatedly that there are no toxic exposures whatsoever to children there--so presumably they don't think such engagement is necessary at all. We strongly disagree; we do not think thorough enough testing has been done to draw this conclusion. Regardless of this debate, we feel strongly that parents of the children who play at Goodman and along the bike path every day should be engaged in discussions/decisions about remaining toxic contamination at Goodman and Kipp, PCB excavations, ongoing toxic discharges, etc., near where their children play so they can get information, ask questions and have a say on whether or not enough has been done to protect their children.

In that light, we ask--as we have many times in the past--that DNR and other government agencies do more to engage the most vulnerable groups (children, elderly, low income, minorities) at Goodman, near Kipp, and near other polluted sites. This is a core aspect of environmental justice. I assume you will forward my message to the other agencies working on answers to the May 18 SASYNA questions, so they will also receive this request as well.

Thanks for listening. I look forward to your answers to SASY's May 18 questions but expect that several of my specific questions will never be answered.

Maria

On 6/28/2016 3:21 PM, Hanefeld, Linda S - DNR wrote:

Greetings, Ms. Powell,

The city, as an off-site property owner, was given notification and an opportunity to comment per the requirements of chs. NR 726 and NR 725, Wis. Adm. Code.

The remainder of your questions are very similar to those provided to us as questions posed by the SASY Neighborhood Association, Kipp Committee dated May 18, 2016. We have been working to provide answers to these questions, which is part of the reason we have not communicated with you earlier. It is

anticipated the answers to the May 18<sup>th</sup> questions will be provided to the public in the next several weeks.

Respectfully,

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Linda Hanefeld  
Phone: 608-275-3310  
[linda.hanefeld@wisconsin.gov](mailto:linda.hanefeld@wisconsin.gov)

**From:** Maria Powell (EJ Institute) [<mailto:powell@ejinstitute.org>]  
**Sent:** Monday, June 27, 2016 2:18 PM  
**To:** Hanefeld, Linda S - DNR; Schmoller, Michael R - DNR; Budzinski, John M - DNR; Foss, Darsi J - DNR  
**Cc:** Rep.Taylor - LEGIS; Rummel, Marsha; Gonzalez, RafaelP; Zolnierczyk, Kenneth  
**Subject:** Re: Kipp raingarden closure request

Hello DNR officials:

I have not received any responses to my questions, sent three weeks ago. Given this delay, I am assuming that you will not/cannot respond.

I ask that you at least have the basic courtesy to acknowledge receipt of my questions and briefly explain why you will not/cannot answer them.

Thank you very much,

Maria

On 6/14/2016 10:56 AM, Maria Powell (EJ Institute) wrote:

Hello again:

I do hope someone will be able to address my questions below soon. Regarding #2, several Kipp neighbors have been asking for months about the area long the east end of the bike path (the gray area on raingarden maps).

For context--the area is the cross roads of two bike paths and public sidewalks, is heavily traversed by runners, walkers, bikers, and many children. It is where most of the surface runoff from the northern parking lot of Kipp goes. It abuts the entire north side of the home of a friend of mine.

This area was sparsely tested and never excavated because of underground utilities. The attachment shows what it looked like over the winter/spring.

If a member of the public were to test a soil sample from that area and find PCBs over the industrial RCLs being used for this area (though we feel residential RCLs are more appropriate), what would be done? Whose responsibility would it be? Who would be liable? The city? DNR? Kipp? MGE?

I look forward to your answers to my questions.

Thanks,  
Maria

On 6/6/2016 2:40 PM, Maria Powell (EJ Institute) wrote:

Dear DNR:

Following up on my previous emails (below)--thank you for posting the lab reports and the full raingarden closure request (with tables/maps) on the BRRTS site. It is odd that these documents weren't sent to me in response to my open records request or my followup emails. But I appreciate that they are posted for the public to access.

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above the residential PCB RCLs.

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c. The last raingarden soil tests were May 2014. How do you know raingarden soils weren't recontaminated since then?\*\*

d. Shallow groundwater beneath the area along the bikepath/raingarden, sometimes only 5-10 feet bls, has never been tested for PCBs--why not?\*\*\*

Relatedly, the closure request document says on pg. 6 (under G): "Describe the residual soil contamination that is above the observed low water table that attains or exceeds the soil standard(s) for the groundwater pathway." In this section, only results from B34, 42, B50, and B83 are listed. PCBs are not mentioned, nor are other borings along the bike path (presumably because only PCBs were measured in those). Yet PCBs over the DNR's groundwater pathway RCL remain in spots throughout the entire length of the bike path/raingarden. It seems the DNR's PCB groundwater RCL is not being considered in this closure request. Please clarify.

Thanks in advance for addressing these questions.

Maria Powell

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the ditch, water and soils ran down the ditch and into the raingarden.

**\*\***The entire area of this closure request is a swale that has captured contaminated runoff from Kipp for many decades. The raingarden is designed to infiltrate contamination downward. The maps in the closure request show that soils in nearly the entire area exceed the soil-to-groundwater RCLs. Scientific studies show that PCBs, especially the less chlorinated congeners, can volatilize off soils and water in some conditions. PCBs can move attached to sediments, and can move more readily downward when combined with other contaminants like solvents. MW1, the only well near this area, was only tested once in 2013 for 3 PCB aroclors, and PCBs were never tested in 12S (as far as we can tell).

On 5/27/2016 3:25 PM, Hanefeld, Linda S - DNR wrote:

Greetings, Maria,  
In response to your questions  
(Powell questions in bold, Hanefeld answers in italics):  
**As far as the documents I asked for, three of the documents related to the bikepath PCB excavations are blurry photographs of documents, without clear dates, titles, authors, map details, and other critical details. The lab and other reports that provide more technical details about the unidentified numbers in red pasted onto these photographed documents, and any decisions made about this data, are not included.**  
**Were lab reports and other technical documents related to the bike path PCB excavations not provided to DNR by Kipp's consultants?** *Not at time the maps were under review. The maps were shared with Department personnel in their raw form to be able to continue moving forward with the*

*remediation as quickly as possible to minimize any potential exposure.*

Hopefully the DNR is not making decisions without lab reports. Also, **what decisions did Arcadis/DNR make about the last rounds of bikepath PCB testing in February?** I would need to discuss further with Mike Schmoller the details of the February investigation/data. However, Arcadis believes the bike path has been investigated and remediated to the extent practicable. Arcadis has submitted a closure request for this area. It is currently under review. **Certainly these decisions were documented in a memo and/or report.**

Linda

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 to evaluate how I did.

Linda Hanefeld  
 Phone: 608-275-3310  
[linda.hanefeld@wisconsin.gov](mailto:linda.hanefeld@wisconsin.gov)

**From:** Maria Powell (EJ Institute)  
[\[mailto:powell@ejinstitute.org\]](mailto:powell@ejinstitute.org)  
**Sent:** Tuesday, May 24, 2016 8:54 AM  
**To:** Derge, Philip C - DNR  
**Cc:** DNR Records Response;  
 Hanefeld, Linda S - DNR  
**Subject:** Re: Open Records Request  
 16ORR3294: Madison Kipp

OK, thanks for the clarification,  
 Philip.

So I will assume that the DNR made decisions about the last round of PCB excavations in the ditch along the bike path without reviewing lab reports or other details about the PCB excavations/results--and did not

explain in writing on any document the decision to end the excavations/remediation.

Linda, please let me know if these assumptions are incorrect.

Maria

On 5/17/2016 3:58 PM, Derge, Philip C - DNR wrote:

Hello Maria,

The Department provided you all records responsive to your request. The records were provided in the condition they were submitted to the DNR and no records were withheld. Any question you may have about the records would need to be directed to program staff. You can contact Linda Hanefeld for assistance. She has been cc'd on this message. If you wish to submit another open records request, please send it to [dnrrecordsresponse@wisconsin.gov](mailto:dnrrecordsresponse@wisconsin.gov).

Sincerely,

**We are committed to service excellence.**

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Phil Derge  
Phone: (608) 264-  
6125  
[Philip.Derge@wisconsin.gov](mailto:Philip.Derge@wisconsin.gov)

**From:** Maria Powell  
(EJ Institute)  
[\[mailto:powell@ejinstitute.org\]](mailto:powell@ejinstitute.org)  
**Sent:** Wednesday,  
May 11, 2016 10:45  
AM  
**To:** Derge, Philip C -  
DNR  
**Cc:** DNR Records  
Response  
**Subject:** Re: Open  
Records Request  
16ORR3294: Madison  
Kipp

Dear Mr. Derge:

Thank you for these  
12 documents. Some  
of them were already  
on the BRRTS site  
before I submitted  
my request and/or  
were not within the  
terms of my request.

As far as the  
documents I asked  
for, three of the  
documents related to  
the bikepath PCB  
excavations are blurry  
photographs of  
documents, without  
clear dates, titles,  
authors, map details,  
and other critical  
details. The lab and  
other reports that  
provide more  
technical details  
about the

unidentified numbers in red pasted onto these photographed documents, and any decisions made about this data, are not included.

Were lab reports and other technical documents related to the bike path PCB excavations not provided to DNR by Kipp's consultants? Hopefully the DNR is not making decisions without lab reports. Also, what decisions did Arcadis/DNR make about the last rounds of bikepath PCB testing in February? Certainly these decisions were documented in a memo and/or report.

I requested all of the documents DNR has received or sent related to the bikepath PCB excavations from Jan 1 2016 till April 28 2016. Please provide the missing documents or explain why they were not included. If some documents were withheld from this request purposely, please explain the legal reasons for these exclusions, per open records laws.

Thank you,

Maria Powell

On 5/10/2016 5:02  
PM, Derge, Philip C -  
DNR wrote:

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(Madison Kipp) sent or received by DNR from 01/01/16 to January and February 2016 Kipp GETS discharge monitoring reports.

The Wisconsin Department of Natural Resources has concluded its search and located the records you requested. They have been attached

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